

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
DECEMBER 12, 2018**

CALL TO ORDER <i>5:59 pm</i>	A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. at South Campus Building, 40 11 th Street W, Ste. 200, Kalispell, Montana. Board members present were Jeff Larsen, Greg Stevens, Sandra Nogal, Dean Sirucek, Ron Schlegel, Mike Horn, and Kevin Lake. Jim Thompson had an excused absence. Mark Mussman, Erik Mack, Kari Nielsen, and Rachel Ezell represented the Flathead County Planning & Zoning Office. There were 7 members of the public in attendance.
APPROVAL OF MEETING MINUTES <i>6:00 pm</i>	Nogal made a motion, seconded by Sirucek, to approve the November 14, 2018, 2018 meeting minutes. Motion carried by roll call.
PUBLIC COMMENT <i>(Public matters that are within the jurisdiction of the Board 2-3-103 M.C.A)</i> <i>6:01 pm</i>	None
DISCLOSURE OF ANY BOARD CONFLICT OF INTEREST <i>6:01 pm</i>	Larsen said that he did not have a current conflict of interest on the first item [FZC-18-20] but disclosed that he had worked on the project 10 years ago and the project was dead.
EVERGREEN BUSINESS CENTER (FZC-18-20) <i>6:02 pm</i>	A zone change request by APEC Engineering on behalf of Evergreen Business Center, Inc. for property located at 2150 Highway 2 East, near the community of Evergreen, MT, within the Evergreen Zoning District. The proposal would change the zoning on a parcel containing approximately 7.183 acres from B-2, EEO (General Business, Evergreen Enterprise Overlay) to B-3, EEO (Community Business, Evergreen Enterprise Overlay).

STAFF REPORT <i>6:02 pm</i>	Kari Nielsen presented the FZC-18-20 staff report.
BOARD QUESTIONS <i>6:04 pm</i>	None
APPLICANT PRESENTATION <i>6:05 pm</i>	None
AGENCY COMMENTS <i>6:05 pm</i>	None
PUBLIC COMMENT <i>6:05 pm</i>	None
APPLICANT REBUTTAL/ COMMENTS <i>6:05 pm</i>	None
STAFF REBUTTAL/ COMMENTS <i>6:05 pm</i>	None
MAIN MOTION TO ADOPT F.O.F. (FZC-18-20) <i>6:06 pm</i>	Sirucek made a motion, seconded by Schlegel, to adopt staff report FZC-18-20 as findings of fact.
BOARD DISCUSSION <i>6:06 pm</i>	Nogal questioned what the current status of access was on the lot. Nielsen replied it was directly from Hwy 2 and was by The Moose Lodge. They discussed the history of the property and the possibility of MDT requesting a second access and a frontage road.
ROLL CALL TO ADOPT F.O.F. (FZC-18-20) <i>6:07 pm</i>	Motion passed unanimously on a roll call vote.
MAIN MOTION	Schlegel made a motion, seconded by Nogal, to recommend approval of

**TO
RECOMMEND
APPROVAL
(FZC-18-20)
6:07 pm**

FZC-18-20 to the County Commissioners.

**BOARD
DISCUSSION
6:07 pm**

Sirucek pointed out that the conservation office was directly east of the lot and said he accessed that building and dealt with the traffic frequently. He felt it was problematic and recommended the engineer group consider two lanes going out so people could turn each direction as well a lane going in. He felt that a three lane access design would help the situation.

Schlegel questioned if there had been a previous access to the south. Nielsen said it was her understanding that the easement was a verbal agreement and not a written one. She said it would be addressed during subdivision review. Schlegel said he agreed with Sirucek on having three lanes to help with traffic.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-18-20)
6:12 pm**

The motion passed unanimously on a roll call vote.

**ALEX & ELAINE
JOHNSON ZONE
CHANGE
(FZC-18-21)
6:12 pm**

A zone change request from Sands Surveying on behalf of Alexander Charles Johnson Jr. & Elaine Nahill Johnson for property located at 525 Schrade Road, north of Kalispell, MT in the Highway 93 North Zoning District. The proposal would change the zoning on a parcel containing approximately 40 acres from *AG-40 (Agricultural)* to *SAG-10 (Suburban Agricultural)*.

**STAFF REPORT
6:13 pm**

Rachel Ezell presented FZC-18-21 staff report.

**BOARD
QUESTIONS
6:14 pm**

None

**APPLICANT
PRESENTATION
6:14 pm**

Eric Mulcahy with Sands Surveying, 2 Village Loop, represented the applicants. He pointed out that they were the last AG-40 parcel in the neighborhood. They did not have any immediate plans to do anything but they wanted to have their estate in order.

**BOARD
QUESTIONS
6:15 pm**

None

**AGENCY
COMMENTS**
6:15 pm

There were no public agencies present to comment. Larsen reviewed written comments received.

**PUBLIC
COMMENT**
6:16 pm

None

**APPLICANT
REBUTTAL/
COMMENTS**
6:16 pm

None

**STAFF
REBUTTAL/
COMMENTS**
6:16 pm

None

**MAIN MOTION
TO ADOPT F.O.F.
(FZC-18-21)**
6:16 pm

Lake made a motion, seconded by Sirucek, to adopt staff report FZC-18-21 as findings of fact.

**BOARD
DISCUSSION**
6:16 pm

None

**ROLL CALL TO
ADOPT F.O.F.
(FZC-18-20)**
6:17 pm

Motion passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZC-18-21)**
6:17 pm

Schlegel made a motion, seconded by Lake, to recommend approval of FZC-18-21 to the County Commissioners.

**BOARD
DISCUSSION**
6:17 pm

None

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZC-18-21)
6:17 pm**

The motion passed unanimously on a roll call vote.

**WHISPERING
PINES ESTATES
(FPP-18-09)
6:18 pm**

A request from Whispering Pines Development, LLC with technical assistance from Sands Surveying, Inc. and 406 Engineering for preliminary plat approval of Whispering Pines Estates, a proposal to create 9 residential lots on 45.004 acres. The subdivision would be served by individual wells and septic. The property is located off Mennonite Church Road just east of Highway 35.

**STAFF REPORT
6:18 pm**

Erik Mack presented staff report FPP-18-09.

**BOARD
QUESTIONS
6:19 pm**

None

**APPLICANT
PRESENTATION
6:19 pm**

Eric Mulcahy with Sands Surveying, 2 Village Loop, represented the applicants. He said he was in agreement with the staff report. He noted that they had contacted the fire department early on in the process so they could work with them.

**BOARD
QUESTIONS
6:20 pm**

None

**AGENCY
COMMENTS
6:20 pm**

No agencies were present to comment. Larsen acknowledged the written comments received.

**PUBLIC
COMMENT
6:20 pm**

None

**MAIN MOTION
TO ADOPT F.O.F.
(FPP-18-09)
6:21 pm**

Lake made a motion, seconded by Nogal, to adopt staff report FPP-18-09 as findings of fact.

**BOARD
DISCUSSION
6:21 pm**

Stevens noted that there was no comment from Fish, Wildlife, and Parks regarding the 45 acres of deer pasture and wild goose landing pad, therefore, implying it would be ok for people to live there.

**ROLL CALL TO
ADOPT F.O.F.
(FPP-18-09)
6:22 pm**

Motion was passed on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FPP-18-09)
6:22 pm**

Nogal made a motion, seconded by Horn, to recommend approval of FPP-18-09 to the County Commissioners.

**BOARD
DISCUSSION
6:23 pm**

Sirucek felt disheartened that the property was going to be subdivided because it was located on the very best soils found in Montana and less than 1% found in the nation. He expressed frustration that there was a lack of conservation efforts towards quality soil. He shared statistics showing how much agricultural land was lost to subdivisions. He wished that, if it was going to be subdivided, it would be in 1 acre lots. He felt he was in the minority thinking that looked at the long-term interest.

Schlegel said he tended to agree with Sirucek; the land to the south was not good agricultural land which is why it hadn't been farmed. He agreed that it was good soil. He was not crazy about 5 acre parcels. Across the road was very good farmland. He was torn but acknowledged that they could not make a living farming on the smaller parcel of land. The applicants were in a catch 22 but he agreed with what Sirucek shared.

Stevens said agriculture was a business which was determined by supply and demand. He said that 40 acres would not make the difference until the supply lessened and the demand grew. He said the economics of the situation was going to determine how the land was used in the long run. He felt at this point there was no economic return and farming was a business.

**ROLL CALL TO
RECOMMEND
APPROVAL
(FPP-18-09)
6:30 pm**

The motion passed unanimously on a roll call vote.

**CALURS TEXT
AMENDMENT
(FZTA-18-04)
6:30 pm**

A request by the Middle Canyon Land Use Advisory Committee for a zoning text amendment to the Canyon Area Land Use Regulatory System, (C.A.L.U.R.S). The proposed amendments include adding performance standards to Chapter 4, as Section 4.1 (I), adding 'Short-Term Rental Housing' as a Minor Land Use Review to Section 6.2 (B)(9), and adding a definition for 'Short-Term Rental Housing' to Chapter 7.

**STAFF REPORT
6:31 pm**

Mussman presented staff report FZTA-18-04.

**BOARD
QUESTIONS
6:38 pm**

Sirucek asked for clarification on whether or not this text amendment was the same as what had been approved for short term rentals [in the Flathead County Zoning Regulations]. Mussman said, with the exception of a few of the terms, it was identical. He pointed out that they had to work under the scope of CALURS and the minor land use was the difference.

Schlegel questioned Mussman about the fees. Mussman went over fees and the process that applicants go through.

**PUBLIC
COMMENT
6:40 pm**

Steve Johnson (address not given) wondered if staff would identify the area of map that the proposal would affect.

**BREAK
6:42 pm**

Board took a break while Mussman retrieved a zoning map.

**STAFF
REBUTTAL/
COMMENTS
6:45 pm**

Mussman showed the map and discussed what county jurisdiction was and what would fall under CALURS. He said the proposed amendments only affected the Middle Canyon Zoning District.

**MAIN MOTION
TO ADOPT F.O.F.
(FZTA-18-04)
6:47 pm**

Sirucek made a motion, seconded by Horn, to adopt staff report FZTA-18-04 as findings of fact.

**BOARD
DISCUSSION
6:47 pm**

Schlegel expressed frustration that applicants had to pay the state as well as the county. He wish that it could be one or the other and viewed it as double dipping.

**ROLL CALL TO
ADOPT F.O.F.
(FZTA-18-04)
6:48 pm**

Motion passed unanimously on a roll call vote.

**MAIN MOTION
TO
RECOMMEND
APPROVAL
(FZTA-18-04)
6:48 pm**

Sirucek made a motion, seconded by Nogal, to recommend approval of FZTA-18-04 to the County Commissioners.

**BOARD
DISCUSSION
6:48 pm**

None

**ROLL CALL TO
RECOMMEND
APPROVAL
(FZTA-18-04)
6:49 pm**

The motion passed unanimously on a roll call vote.

**OLD BUSINESS
6:49 pm**

None

**NEW BUSINESS
6:49 pm**

Mussman said he intended on addressing the agricultural consolidation process as new business, possibly at the beginning of the year. He also intended in discussing how to approach the growth policy in 2020. He also wanted to address the PUD section in the zoning regulations.

Mussman discussed the Raceway subdivision and that was in litigation. The Commissioners denied it and they filed a lawsuit challenging the denial. They had gone to mediation today and there was nobody present that could make any decisions. They did agree to suspend the lawsuit to try to get an easement south of the property. The board would probably not be seeing the file again.

**ADJOURNMENT
6:50 pm**

Sirucek motioned, seconded by Nogal, to adjourn. Next meeting will be held on January 09, 2018.



Jeff Larsen, Chairman



Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 01/09/2018